

6847

I N S E N A T E

February 29, 2016

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to requiring counseling for certain domestic violence offenders

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 65.10 of the penal law is amended by adding a new
2 subdivision 6 to read as follows:
3 6. MANDATORY CONDITIONS FOR DOMESTIC VIOLENCE CASES. WHEN IMPOSING A
4 SENTENCE OF PROBATION FOR A CRIME OR OFFENSE INVOLVING DOMESTIC
5 VIOLENCE, THE COURT SHALL REQUIRE, IN ADDITION TO ANY OTHER CONDITIONS
6 IMPOSED PURSUANT TO THIS SECTION, THE DEFENDANT TO RECEIVE PROFESSIONAL
7 COUNSELING FROM EITHER A PRIVATE SOURCE OR A SOURCE APPOINTED BY THE
8 COURT, BUT IN EITHER CASE, SUCH COUNSELING SHALL BE CONDUCTED BY A
9 PERSON WHO HAS DEMONSTRATED EXPERTISE IN INDIVIDUAL OR GROUP DOMESTIC
10 VIOLENCE COUNSELING. THE COURT SHALL REQUIRE THE DEFENDANT TO PROVIDE
11 DOCUMENTATION OF ATTENDANCE AT SUCH PROFESSIONAL COUNSELING.
12 S 2. The penal law is amended by adding a new section 60.38 to read as
13 follows:
14 S 60.38 MANDATORY COUNSELING FOR DOMESTIC VIOLENCE CASES.
15 IN ANY CASE WHERE THE COURT SUSPENDS THE IMPOSITION OF A SENTENCE FOR
16 A CRIME OR OFFENSE INVOLVING DOMESTIC VIOLENCE, THE COURT SHALL REQUIRE,
17 IN ADDITION TO ANY OTHER CONDITIONS IMPOSED PURSUANT TO THIS CHAPTER,
18 THE DEFENDANT TO RECEIVE PROFESSIONAL COUNSELING FROM EITHER A PRIVATE
19 SOURCE OR A SOURCE APPOINTED BY THE COURT, BUT IN EITHER CASE, SUCH
20 COUNSELING SHALL BE CONDUCTED BY A PERSON WHO HAS DEMONSTRATED EXPERTISE
21 IN INDIVIDUAL OR GROUP DOMESTIC VIOLENCE COUNSELING. THE COURT SHALL
22 REQUIRE THE DEFENDANT TO PROVIDE DOCUMENTATION OF ATTENDANCE AT SUCH
23 PROFESSIONAL COUNSELING.
24 S 3. This act shall take effect immediately.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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